IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 28229 of 2007(I)

PETITIONER:

SANTHOSH V.S.,
VANI GARDEN-32,
CHEERAMCHIRA, CHANGANASSERY,
KOTTAYAM.

BY ADV. SRI.A.K.ABDUL AZEEZ

RESPONDENTS:
----

1. **THE HONGKONG AND SHANGHAI BANKING CORPORATION LTD.,**
   HARBOUR VIEW RESIDENCY, OPPOSITE SHIPYARD,
   M.G.ROAD, KOCHI.

2. **BOBBY JACOB, S/O THOMAS JACOB,**
   CHETHIPUZHA HOUSE, KOTTAYAM DIST.

3. **DEBT RECOVERY TRIBUNAL,**
   ERNAKULAM.

4. **MOHANDAS, S/O M.G.S. MENON,**
   KALATHIPPARAMBU ROAD,
   VADUTHALA POST, KOCHI-23.

BY GOVERNMENT PLEADER SMT. T.B. RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

= =

WP(C).No.28229 of 2007-I

= =

Dated this the 25th day of September, 2007.

JUDGMENT

1. Following Ext.P1 notice issued in November, 2005, an item of security property, going by Ext.P3, was sold on 30-12-2005 under the SARFAESI Act. The 4th respondent is the auction purchaser.

2. The petitioner contends that he was only a guarantor in the loan availed by the second respondent, who is incidentally his brother-in-law. It is alleged that there is collusion between the bank and the second respondent and that the sale has taken place even after the petitioner had intimated the second respondent about the receipt of notice under the SARFAESI Act.

3. Even if there were any grounds to challenge the measures taken under the SARFAESI Act, appropriate appellate remedies were available under that Act before the third respondent Tribunal, the period for which has, obviously, run out.

4. For the aforesaid reasons, I find no ground to entertain this writ petition.

In the result, the writ petition fails. The same is accordingly dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/